



## State Bureau of Investigation

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## Frequently Asked Questions

The following list are a few of the most frequently asked questions. Hopefully, this page will clear up any questions about Utah's liquor laws.

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### Where can I get a drink in Utah?

Actually, a lot of places. Most nice restaurants have a liquor license. These range from establishments who are selling beer only, or those who sell beer and wine, to those restaurants that offer full service bars. The only "catch" to getting a drink in a restaurant, besides the age restriction, is that all alcoholic drinks must be served in conjunction with a PURCHASED food order. Complimentary items such as chips, bread, pretzels, popcorn, etc. are not enough. You must order and pay for a menu item.

If you are just looking for a cold beer and a pool table, there are several beer taverns throughout the state. Beer bars do not require memberships. Remember, you must be 21 years old or older to enter a beer bar.

The last choice is private clubs. Keep in mind that all private clubs in Utah require a membership, sponsorship, or the purchase of a temporary guest pass for admission.

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### Is it against the law to "get drunk" in the State of Utah?

Yes, it is. Utah Code Annotated 76-9-701(1) states, "A person is guilty of intoxication if he is under the influence of intoxicating liquor, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another, in a public place or in a private place where he unreasonably disturbs another person."

A violation of this law is a class 'C' misdemeanor.

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### Is it against the law to permit another person to “get drunk”?

Yes, it is. Utah Code Annotated 32a-12-216(2) states, “A person may not permit any other person to become intoxicated as defined in section 76-9-701, or any intoxicated person to consume any alcoholic beverage in any premises of which the person is the owner, tenant, or occupant, or in any chartered bus or limousine of which the person is the owner or operator.

A violation of this section is an infraction.

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### Where can I find the State of Utah liquor laws?

The general rules are located in title 32a chapter 12 of Utah Code Annotated. The proceeding chapters contain the specific rules for taverns (chapter 10), restaurants (chapter 4), private clubs (chapter 5), and State stores (chapter 2).

You can find copies of Utah law at any public library. You can purchase your own copy of Utah Criminal and Traffic Code from the Utah Safety Council 1574 West 1700 South, Ste 2A, Salt Lake City, Utah 84104. They will also ship the book to you. Call them at 801-478-7878.

This link will take you to the order forms. <http://www.utahsafetycouncil.org/content.asp?id=226>.

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### Who is required to have a “Liquor License”?

Anyone, or any business, that sells any alcoholic product for the consumer to drink in the business. Utah Code Annotated 32a-12-301(1) states, “A person may not operate a restaurant, airport lounge, private club, on premise beer retailer outlet, or similar establishment that allows patrons, customers, members, guests, visitors, or other persons to purchase or consume alcoholic beverages on the premises, except as provided by this title or the rules of the commission.

Note: Local approval is required before a DABC license is granted. However, only a local county license is required for “to go” sales of beer. For example grocery stores, gas stations, or convenience stores do not need a DABC license, only a county or city license.

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### What are the age restrictions for customers in bars, private clubs, and restaurants?

Remember, you must be 21 before you can legally drink in Utah. That rule applies to taverns, private clubs, restaurants, and everywhere else. A person must be 21 to enter a tavern. The only age restrictions for entering a private club are the rules listed in the clubs by-laws. Restaurants have no age restriction for admission. Again, you must be 21 years or older to legally drink ANYWHERE in Utah.

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### Who is prohibited from purchasing and/or possessing alcoholic beverages?

In a nut-shell, minors, intoxicated persons, and criminals may not purchase or possess alcoholic beverages.

Utah code annotated 32a-12-204(1) states, “A person may not sell, offer to sell or otherwise furnish or supply any alcoholic beverage or product to any person under the age of 21.

Utah code annotated 32a-12-204 states, “A person may not sell, offer to sell or otherwise furnish or supply any alcoholic beverage or product to any person who is apparently under the influence of intoxicating alcoholic beverages or products or drugs or to a person whom the person furnishing the alcoholic beverage knew or should have known from the circumstances was under the influence of intoxicating alcoholic beverages or products or drugs.

Utah code annotated 32a-12-205(1) states, “A person may not sell, offer to sell, or otherwise furnish or supply a any alcoholic beverage or product to any known interdicted person.

Note: An interdicted person is anyone who is prohibited by law or a court order from consuming alcohol or from associating with persons who are consuming alcohol.

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### Can I bring alcoholic beverages into Utah from another state?

No, with some exceptions. It is ILLEGAL to go to another state, purchase the booze and bring it back to Utah. It is ILLEGAL to receive alcoholic beverages through the US Postal service or any other courier service. The exceptions are listed below.

Utah code annotated 32a-12-212 states, “A person may not have or possess within this state any liquor unless authorized by this title or the rules of the commission, except that: (a) a person who clears United States Customs when entering this country may have or possess for personal consumption and not for sale or resale, a maximum amount of one liter of liquor purchased from without the United States; or (b) a person who moves his residence to this state from outside of this state may have or possess for personal consumption and not for sale or resale, any liquor previously purchased outside the state

and brought into this state during the move, if: (i) the person first obtains department approval prior to moving the liquor into the state; (ii) the department affixes the official state label to the liquor; and (iii) the person pays the department a reasonable administrative handling fee as determined by the commission.

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#### Are “kegs” and/or “party balls” legal in Utah?

No. As stated in UCA 32a-12-206(2), A person may not purchase or possess beer in containers larger than two liters unless the person is a beer retailer authorized by this title to dispense beer on draft for consumption on the beer retailers premises.

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#### Can I bring my own alcoholic beverage into a bar or a restaurant?

No, with one exception. The exception is cork finished wine in restaurants and clubs, provided that the restaurant or club is a DABC licensee, in which case the cork finished wine must be delivered to the server for a wine setup.

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#### Can a tavern, club, or restaurant give away free alcoholic drinks as a promotion?

No! UCA 32a-5-107(24)(k) prohibits discounted, or free, liquor.

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#### Is there such a thing as “Happy Hour” in Utah?

As far as liquor licensees and liquor sales are concerned, no. Happy hours or any other promotion which discounts beer or liquor prices is prohibited, as is anything else which promotes over consumption.

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#### Can the employees of a tavern, club, or restaurant drink alcoholic beverages while working?

No. It is illegal for any employee of a liquor licensee to drink alcoholic beverages while on duty. As stated in UCA 32a-12-206(8), An employee of a licensee, while on duty may not consume an alcoholic beverage or be under the influence of alcoholic beverages.

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#### Utah liquor laws seem to be very strict. How do our liquor laws compare with other states?

While it may seem that the liquor laws in the state of Utah are very strict, the fact is the liquor laws in Utah are very similar to the liquor laws in several other states.

In fact, Utah is one of 18 states in the country that are part of “A Control State System”. If you would like to read more about the “Control State System”, click [here](#).

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#### Is a person required, by law, to provide valid identification before purchasing an alcoholic beverage?

Yes. As stated in Utah Code Annotated 32A-1-302, “An identification card ***SHALL BE*** presented by the holder upon request of any person authorized by law to sell or otherwise handle alcoholic beverages, or upon request of any Peace Officer to determine whether the person is 21 years of age if the holder desires to procure an alcoholic beverage....”

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